

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRYAN DONEY,

Petitioner,

v.

STATE OF WASHINGTON

Respondent.

Case No. C06-5357FDB

ORDER TO AMEND

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. #1).

Petitioner names only the State of Washington as a Respondent. 28 U.S.C. § 2243 indicates that writs are to be directed "to the person having custody of the person detained". This person typically is the superintendent of the facility in which the petitioner is incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).

Petitioner is ordered to file an amended petition or a motion to change the case caption and

ORDER

1 petitioner must name the superintendent of the facility where he is incarcerated. The new petition or  
2 motion must be filed on or before **September 1<sup>st</sup>, 2006** or the court will recommend dismissal of this  
3 petition on jurisdictional grounds.

4 The clerk is ordered to send copies of this order to the petitioner and to note this matter for  
5 the courts **September 1<sup>st</sup>, 2006** calendar.

6  
7 DATED this 31<sup>st</sup>, day of July, 2006.

8  
9 /s/ J. Kelley Arnold  
10 J. Kelley Arnold  
11 United States Magistrate Judge  
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ORDER